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Brenton L. Meyer

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EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,834

Applicant(s)

MEYER, BRENTON L.

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 1,2,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-10 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant Office action.

### ***Allowable Subject Matter***

2. Claims 11-17 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art of record do not teach or suggest the limitations of a printer having an embedded marking agent consumption rate test capability, the printer comprising:

a user accessible control panel having a plurality of controls for controlling the printer, said plurality of controls comprising at least a first marking agent test page control;

a print engine module for producing a printed page from a formatted data file;  
a formatter linked to said print engine module, said formatter for formatting incoming unformatted print data files and transmitting said formatted print data files to said print engine module for printing;

a memory module linked to said print engine module with a linkage that bypasses said formatter, said memory module storing at least a first marking agent test page data file, said first marking agent test page data file comprising instructions for printing a marking agent test page, said memory module linked to said first marking agent test

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page control whereby selection of said first marking agent test page control will cause said memory module to print said first marking agent test page; and

whereby the marking agent consumption rate may be determined by measuring the marking agent consumed in producing said first marking agent test page.

4. Some of the prior art related to the printer are cited and detailed below which fail to teach the limitation of independent claims 11 and 16 as stated above.

The most relevant prior art Suzuki et al. U.S. Patent No. 5,771,420 (hereinafter Suzuki) discloses a printer comprising:

an operating interface (operational panel 60 in fig. 2) having at least a standard output control (col. 5, lines 6-7);

an engine module that consumes the supply to produce the output (col. 5, lines 12-17); and

a memory module (RAM 52) storing an instruction set (printing routine in col. 5, lines 18-19) for causing said engine module to produce a standard unit of output (S130 in fig. 3), said memory module being linked to said engine module (fig. 2), said memory module being linked to said standard output control whereby selection of said standard output control will cause the device to transmit said instruction set to said engine module for production of said standard unit of output by said engine module (col. 5, lines 6-7);

whereby the supply consumption rate may be determined by measuring the consumable supply consumed in producing said standard unit of output (fig. 3 & col. 6, lines 6-47).

However, Suzuki does not disclose the linkage that bypasses said formatter.

Another relevant prior art Sasanuma et al. U.S. Patent No. 6,034,788 (hereinafter Sasanuma) discloses a printer comprising:

- a panel for accepting a prompt;

- a component for retrieving a stored marking agent test page data file from a memory module after receiving said prompt, said marking agent test page (test pattern) comprising instructions for printing of a marking agent test page (col. 7, lines 19-21);

- another component for transmitting said marking agent test page data file from said memory module to the print engine module via a linkage that bypasses a formatter (reader image processing unit 108 in col. 6, lines 46-53) for printing of said marking agent test page (fig. 5).

However, Sasanuma does not disclose the determination means for determining the consumption rate.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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6. Claims 3-10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Drawings***

7. The drawings are objected to because the label number 110 in fig. 2 is not clearly shown/printed and perhaps "TESTS PAGE" in S204 in fig. 3 should be replaced by "TEST PAGE". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

The following quotations of 37 § CFR 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

8. Claim 18 recites the limitation “the formatter” in line 13. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki.

9. With respect to claim 1, Acquaviva discloses a device having an embedded supply consumption rate test capability, the device being of the type that has a processor, and that requires at least a consumable supply to produce output, the device comprising:

an operating interface (operational panel 60 in fig. 2) having at least a standard output control (col. 5, lines 6-7);

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an engine module that consumes the supply to produce the output (col. 5, lines 12-17); and

a memory module (RAM 52) storing an instruction set (printing routine in col. 5, lines 18-19) for causing said engine module to produce a standard unit of output (S130 in fig. 3), said memory module being linked to said engine module (fig. 2), said memory module being linked to said standard output control whereby selection of said standard output control will cause the device to transmit said instruction set to said engine module for production of said standard unit of output by said engine module (col. 5, lines 6-7);

whereby the supply consumption rate may be determined by measuring the consumable supply consumed in producing said standard unit of output (fig. 3 & col. 6, lines 6-47).

10. With respect to claim 2, Suzuki discloses a dive as defined by claim 1, wherein the device comprises a plurality of additional components (ROM 53, I/F 56 and operation panel 60), and wherein said memory module is linked to said engine module by a linkage that bypasses all of said plurality of additional components (fig. 2).

Note that when the printing routine is sent from RAM 52, it bypasses the ROM 53, I/F 56 and operation panel 60 since it does not go through them.



Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasanuma.

11. With respect to claim 18, Sasanuma discloses a computer program product for causing a printer to print a marking agent test page, the computer program product comprising computer executable instruction embedded in a computer readable medium, the computer readable medium contained in the printer, the printer having a print engine module for printing pages from formatted data files, the computer program product for causing the printer to:

accept a prompt from a marking agent test page (test pattern) control on a user accessible printer control panel (console unit 217 in fig. 8A and col. 7, lines 32-42);

retrieve a stored marking agent test page data file from a memory module after receiving said prompt, said marking agent test page (test pattern) comprising instructions form printing of a marking agent test page (col. 7, lines 19-21);

transmit said marking agent test page data file from said memory module to the print engine module via a linkage that bypasses a formatter (reader image processing unit 108 in col. 6, lines 46-53) for printing of said marking agent test page (fig. 5).

Note that the marking agent test page (test pattern) bypasses (one-way arrow) the formatter (reader image processing unit 108) and transmitted to the printer. Also, since the image signal is formatted to area-sequential image signal by the reader image processing unit 108 (col. 6, lines 46-53), the Office interprets the unit 108 as the claimed formatter.

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12. With respect to claim 19, Sasanuma discloses the computer program product as defined by claim 18, wherein said computer program product is for causing the printer to:

accept a first prompt (test print 1 in fig. 8a) from a first marking agent test page control on said user accessible printer control panel;

accept a second prompt (test print 2 in fig. 10a) from a second marking agent test page control on said user accessible printer control panel;

retrieve a first stored marking agent test page data file from said memory module after receiving said first prompt, said first marking agent test page data file comprising instruction for printing a first standard test page comprising black images (col. 7, lines 19-21; col. 7, lines 60-63; col. 8, lines 10-12; & fig. 11);

retrieve a second stored marking agent test page data file from said memory module after receiving said second prompt, said second marking agent test page data file comprising instruction for printing a second test page comprising at least a color image (col. 7, lines 19-21 & col. 10, lines 35-61);

transmit said first marking agent test page data file after retrieval from said memory module to the print engine module via a linkage that bypasses the formatter for printing of said first marking agent test page (fig. 5); and

transmit said second marking agent test page data file after retrieval from said memory module to the print engine module via a linkage that bypasses the formatter for printing of said second marking agent test page (fig. 5).

Arguments analogous to those presented for claim 18, are applicable.

**Conclusion**


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
November 19, 2004

Chan S. Park  
Examiner  
Art Unit 2622

  
EDWARD COLES  
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